

United States Court of Appeals for the Federal Circuit

2011-1337: CELSIS IN VITRO V CELLZDIRECT

U.S. District Court
Northern District of Illinois
Senior Judge Milton I. Shadur

Lower Court/Agency #: 10-CV-4053
Nature of Suit: 830
Case Type: Civil Private
DCT Type: Infringement
Basis of Jurisdiction: Federal Question

Notice of Appeal and Certified List Received: 04/19/2011
Notice of Appeal Filed: 04/12/2011
Docketed and Notice Sent to Parties: 04/21/2011
Certified List Filed: 04/21/2011

Fee Paid: 04/12/2011
Fee Amount: 455.00 Receipt No: 5894831

<u>Date</u>	<u>Event Summary</u>
	Nothing Due
05/13/2011	Appellant Principal Brief Filing Date
06/27/2011	Appellee or Cross Appellant Principal Brief Filing Date
07/14/2011	Appellant Reply Brief Filing Date
	Appellee or Cross Appellant Reply Brief Filing Date
08/01/2011	Appendix Filing Date
10/04/2011	Oral Argument Date/Calendared
10/21/2011	Disposition: Affirmed; Panel
11/28/2011	Mandate

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List of Parties/Representation

Party Type/Name

Represented by

Plaintiff-Appellant

Celsis In Vitro, Inc.

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EOA Filed: 05/02/2011
Principal Attorney

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EOA Filed: 05/02/2011

Julie L. Langdon
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EOA Filed: 05/02/2011

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Party Type/Name

Represented by

Defendant-Appellee

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Bar admit: 03/23/2011
EOA Filed: 05/06/2011
Principal Attorney

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Bar admit: 02/23/2011
EOA Filed: 05/12/2011

Invitrogen Corporation

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Bar admit: 03/23/2011
EOA Filed: 05/06/2011
Principal Attorney

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Docket Entries

Date	Type	Entry#	Entry Text
04/21/2011	F	1	Appeal docketed on 04/21/2011. EOD(04/21/2011 by SJ) 2011-1337
04/21/2011	O	2	Official Caption. Court Service - 04/21/11. Filed: 04/21/11. REV(04/21/11 by SJ) 2011-1337
04/21/2011	O	3	Note to file: Sealed document # 187 received from district court 4/19/11, placed in vault. No Service Required. Entered: 04/21/11. REV(04/21/11 by SJ) 2011-1337
05/02/2011	O	4	Docketing Statement for appellant, Celsis In Vitro, Inc. Mail Service - 04/29/11. Filed: 05/02/11. REV(05/02/11 by RM) 2011-1337
05/02/2011	O	5	Entry of Appearance for Julie L. Langdon as counsel on behalf of appellant, Celsis In Vitro, Inc. Mail Service - 04/29/11. Filed: 05/02/11. REV(05/02/11 by SCN) 2011-1337
05/02/2011	O	6	Entry of Appearance for Adam G. Kelly as counsel on behalf of appellant, Celsis In Vitro, Inc. Mail Service - 04/29/11. Filed: 05/02/11. REV(05/02/11 by SCN) 2011-1337
05/02/2011	O	7	Certificate of Interest for appellant, Celsis In Vitro, Inc. Mail Service - 04/29/11. Filed: 05/02/11. REV(05/02/11 by SCN) 2011-1337
05/02/2011	O	8	Entry of Appearance for Jordan A. Sigale as principal attorney on behalf of appellant, Celsis In Vitro, Inc. Mail Service - 04/29/11. Filed: 05/02/11. REV(05/02/11 by SCN) 2011-1337
05/02/2011	M	9	Appellant [Celsis In Vitro, Inc.] - Motion to Expedite Appeal by Appellant Celsis In Vitro, Inc. [NPF] Mail Service - 04/29/11. Filed: 05/02/11. Action on Motion (21): Motion denied. by Clerk. Filed: 06/24/11. EOD(05/02/11 by KSH) REV(06/24/11 by LS) 2011-1337
05/02/2011	M	10	Appellant [Celsis In Vitro, Inc.] - Motion for Preliminary Injunction Pending appeal pursuant to Rule 8(a). (confidential and non-confidential) Mail Service - 04/29/11. Filed: 05/02/11. Reply 1 (15) Filed: 05/12/11 Reply 2 (19) Filed: 05/24/11 Action on Motion (23): Motion denied. by Motions Panel. Judge: Rader Filed: 07/01/11. EOD(05/02/11 by LRP) REV(07/01/11 by LS) 2011-1337

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Date	Type	Entry#	Entry Text
05/09/2011	O	11	Entry of Appearance for Rip Finst as principal attorney on behalf of appellees, CellzDirect Inc., et al. Mail Service - 05/05/11. Filed: 05/06/11. REV(05/09/11 by SCN) 2011-1337
05/09/2011	O	12	Certificate of Interest for appellees, CellzDirect Inc., et al. Mail Service - 05/05/11. Filed: 05/06/11. REV(05/09/11 by SCN) 2011-1337
05/09/2011	O	13	Docketing Statement for appellees, CellzDirect Inc., et al. Mail Service - 05/05/11. Filed: 05/06/11. REV(05/09/11 by RM) 2011-1337
05/09/2011	O	14	Notice of Rejection: Entry of Appearance for Scott Miller as counsel on behalf of appellees, CellzDirect Inc., et al., received 05/06/2011, cannot be filed; attorney is not a member of this bar. Court Service - 05/09/11. Mailed: 05/09/11. REV(05/09/11 by RM) 2011-1337
05/13/2011	O	16	Entry of Appearance for Scott D. Miller as counsel on behalf of appellees, CellzDirect Inc., et al. Mail Service - 05/11/11. Filed: 05/12/11. REV(05/13/11 by SCN) 2011-1337
05/16/2011	B	17	Celsis In Vitro, Inc. [Appellant] - Brief for Appellant Celsis In Vitro, Inc. Mail Service-05/13/11. Filed: 05/13/11. [Confidential and Nonconfidential versions] REV(05/16/11 by SEW) 2011-1337
05/23/2011	O	18	Plaintiff-Appellant Celsis in Vitro, Inc.'s notice of nonsubstantive corrections for its confidential and non-confidential principal briefs. Mail Service - 05/20/11. Filed: 05/20/11. REV(05/23/11 by SEW) 2011-1337
05/25/2011	O	20	Letter from Julie L. Langdon, Appellant's counsel, withdrawing Appellant's Notice of Correction filed on May 20, 2011(see #18) and replacing it with the attached submission Mail Service - 05/24/11. Received: 05/25/11. REV(05/25/11 by LB) 2011-1337
06/29/2011	B	22	CellzDirect, Inc. and Invitrogen Corporation [Appellees] - Brief for Defendant-Appellees CellzDirect, Inc. and Invitrogen Corporation. Mail Service-06/27/11. Filed: 06/27/11. [Confidential and Nonconfidential versions] REV(07/06/11 by AMT) 2011-1337
07/06/2011	O	24	Joint Statement of Compliance with FCR 33. Mail Service - 07/05/11. Filed: 07/06/11. REV(07/06/11 by MDB) 2011-1337

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Date	Type	Entry#	Entry Text
07/15/2011	B	25	Celsis In Vitro, Inc. [Appellant] - Reply Brief for Plaintiff-Appellant Celsis in Vitro, Inc. Mail Service-07/14/11. Filed: 07/14/11. [Confidential and Nonconfidential versions] REV(07/15/11 by VW) 2011-1337
07/22/2011	B	26	Celsis In Vitro, Inc. [Appellant] - Joint Appendix (Three Volumes). Mail Service-07/21/11. Filed: 07/21/11. [Confidential and Nonconfidential versions] REV(07/22/11 by SEW) 2011-1337
08/01/2011	M	27	Appellant [Celsis In Vitro, Inc.] - Plaintiff-Appellant Celsis In Vitro, Inc.'s Motion for Leave to file Supplemental Appendix. (Supplemental Appendix submitted with the motion) Mail Service - 07/26/11. Filed: 07/26/11. On consent. Action on Motion (28): Motion granted. by Clerk. Filed: 08/01/11. EOD(08/01/11 by JB) 2011-1337
08/01/2011	M	29	Appellant [Celsis In Vitro, Inc.] - Plaintiff-Appellant Celsis In Vitro, Inc. Motion to submit Corrected Non-Confidential Joint Appendix (Volumes I - III). Mail Service - 07/26/11. Filed: 07/26/11. On consent. Action on Motion (30): Motion granted. by Clerk. Filed: 08/01/11. EOD(08/01/11 by JB) 2011-1337
08/02/2011	B	31	Celsis In Vitro, Inc. [Appellant] - Supplemental Appendix. Mail Service-07/26/11. Filed: 08/01/11. REV(08/02/11 by SEW) 2011-1337
08/19/2011	M	32	Appellant [Celsis In Vitro, Inc.] - Motion for Leave to take Judicial Notice of recent developments in Ex Parte Reexamination Processing. Fax Service - 08/17/11. Filed: 08/17/11. Action on Motion (50): Mooted by the clerk. by Clerk. Filed: 08/14/13. EOD(08/19/11 by LRP) REV(08/14/13 by AMT) 2011-1337
08/19/2011	M	33	Appellant [Celsis In Vitro, Inc.] - Second Motion for Leave to Take Judicial Notice of Recent developments in Ex Parte Reexamination Proceeding. Fax Service - 08/17/11. Filed: 08/17/11. Reply 1 (35) Filed: 08/26/11 Reply 2 (37) Filed: 09/01/11 Action on Motion (51): Mooted by the clerk. by Clerk. Filed: 08/14/13. EOD(08/19/11 by LRP) REV(08/14/13 by AMT) 2011-1337
08/22/2011	O	34	NOTICE OF CALENDARING issued. Panel: 1110A on October 4, 2011. Entered: 08/22/2011. (EOD 08/22/2011 by KSH) 2011-1337

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Date	Type	Entry#	Entry Text
09/01/2011	O	36	Response to oral argument order from the appellant, Celsis In Vitro, Inc. stating that Adam G. Kelly will argue. Mail Service - 08/30/11. Received: 08/31/11. REV(09/01/11 by LAW) 2011-1337
09/19/2011	O	38	Response to oral argument order from the appellee, CellzDirect, Inc. et al. stating that Rip Finst will argue. Mail Service - 09/13/11. Received: 09/14/11. REV(09/19/11 by LAW) 2011-1337
09/21/2011	M	39	Appellant [Celsis In Vitro, Inc.] - Confidential and Non-Confidential Motion for Leave to Correct the Confidential Joint Appendix. [NPF] Mail Service - 09/20/11. Filed: 09/21/11. On consent. Action on Motion (41): Granted. by Merits Panel. Filed: 09/27/11. EOD(09/21/11 by KSH) REV(09/27/11 by KSH) 2011-1337
09/21/2011	M	40	Appellant [Celsis In Vitro, Inc.] - Third Motion for Leave to Take Judicial Notice of Recent Developments in Ex Parte Reexamination Proceeding. [NPF] Mail Service - 09/20/11. Filed: 09/21/11. Reply 1 (43) Filed: 09/26/11 (42) Motion deferred to merits panel assigned to hear this case. Filed: 09/27/11. By: Merits Panel. Action on Motion (47): Granted. by Merits Panel. Filed: 10/21/11. EOD(09/21/11 by KSH) REV(10/21/11 by CLT) 2011-1337
09/28/2011	O	44	Ltr of counsel for appellees CellzDirect Inc. advising that portions of their brief are no longer viewed as confidential. (Sent to Panel) Mail Service - 09/28/11. Received: 09/28/11. REV(09/28/11 by KSH) 2011-1337
10/04/2011	O	45	Submitted after ORAL ARGUMENT by Adam G. Kelly and Rip Finst. Panel: Newman, Mayer and O'Malley. Entered: 10/04/2011. (EOD 10/04/2011 by KSH) 2011-1337
10/21/2011	D	46	Disposition: Affirmed by Panel (Per Curiam). Nonprecedential Opinion. Judgment Entered: 10/21/11. Costs against Appellant. Opinion sent to parties: 10/21/11. Filed: 10/21/11. Mandate issued to the DCT: 11/28/11. REV (11/28/11 by VW) 2011-1337
11/02/2011	O	48	Appellees Cellzdirect, Inc and Invitrogen Corp's Bill of Costs against appellant. Mail Service - 11/01/11. Filed: 11/02/11. REV(11/02/11 by LRP) 2011-1337

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Date	Type	Entry#	Entry Text
12/09/2011	O	49	Costs taxed against the appellant, Celsis In Vitro, Inc. in the amount of \$942.40. No Service Required. Entered: 12/09/11. REV(12/09/11 by AR) 2011-1337